

APPEAL NO. 041931
FILED SEPTEMBER 28, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 22, 2004. The hearing officer determined that respondent (claimant) sustained a compensable injury on _____, and that he timely reported the injury to a supervisor. Appellant (carrier) appeals the determination regarding timely reporting, asserting that the injury was not reported to a person in a supervisory capacity. The file does not contain a response from claimant. The record reflects that the parties agreed to withdraw an issue regarding carrier waiver.

DECISION

We affirm.

The hearing officer did not err in determining that Mr. F is a supervisor for the purposes of reporting an injury. The fact that the employer does not consider an employee to be a "supervisor" is not dispositive of the issue before us. In order for a person to be considered a supervisor for the purpose of receiving notice of an injury, it is not necessary that that person have hiring, firing, and disciplinary authority. Task-assigning authority may be sufficient to confer the status of a supervisor with regard to reporting of an injury. Texas Workers' Compensation Commission Appeal No. 010020, decided February 12, 2001.

Claimant had the burden to establish that Mr. F held a supervisory or managerial position for the purposes of injury reporting. We have reviewed the complained-of determinations and conclude that the issue involved a fact question for the hearing officer. Texas Workers' Compensation Commission Appeal No. 961551, decided September 19, 1996. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find from the evidence that Mr. F had authority to assign tasks to claimant. We conclude that the hearing officer's determinations regarding timely reporting of the injury and relief from liability under Section 409.002 are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **SOMPO JAPAN INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge